

ZB# 01-18

Byron Thomas

25-5-45

Refund.

May 14, 2001.

(App. handed out)

(No show)

June 11, 2001

Notion granted
for P.H.

Public Hearing:

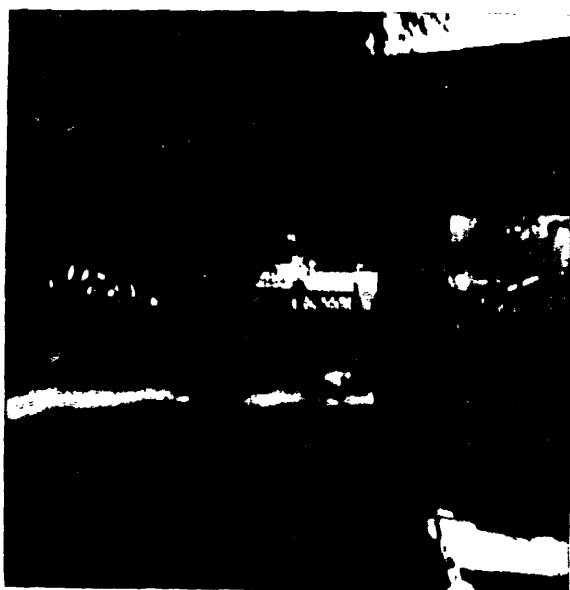
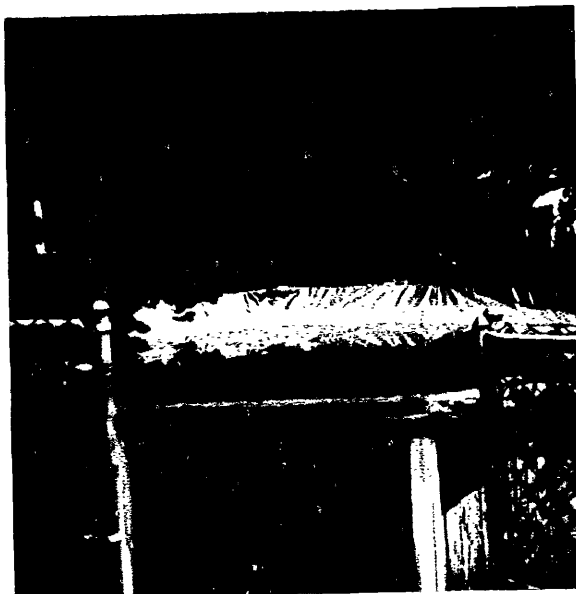
June 25, 2001.

Granted

Refund:

\$ 27.50.

#01-18 Thomas, Byron 255-45
GWA



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Thomas, Byron

FILE# 01-18

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid ck # 2126
6/14/01*

* * *
ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

paid ck. 2127

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 6/14/01 - 3 \$ 13.50
2ND PRELIMINARY- PER PAGE 6/24/01 - 2 \$ 9.00
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 22.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 6/14/01 \$ 35.00
2ND PRELIM. 6/24/01 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING \$
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 92.50

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT .. \$ 207.50

Date 4/11/01

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Dyron & Angela Thomas DR.

1530 Balmoral Circle, N.W.

[illegible]

BYRON U. THOMAS
ANGELA D. THOMAS
530 BALMORAL CIRCLE
NEW WINDSOR, NY 12553

9-96

2126

Date 6-14-01

50-693/219
302

Pay to the
Order of

Town of New Windsor

\$ 50⁰⁰/₁₀₀

Fifty + ⁰⁰/₁₀₀

Dollars



Security features
on enclosed
check on back



KeyBank National Association
Vails Gate, New York 12584
1-800-KEY2YOU

Key Privilege

For

ZBA # 01-18.

Byron Thomas

⑆02⑆906934⑆ 323020016420⑈ 2126

©Circle American

BYRON U. THOMAS
ANGELA D. THOMAS
530 BALMORAL CIRCLE
NEW WINDSOR, NY 12553

9-96

2127

Date 6-14-01

50-693/219
302

Pay to the
Order of

Town of New Windsor \$ 300.⁰⁰/_{XX}
Three hundred + ⁰⁰/_{XX} Dollars



KeyBank National Association
Valis Gate, New York 12584
1-800-KEY2YOU

Key Privilege

For 2BA #01-18

Byron Thomas

MP

⑆021906934⑆ 323020016420⑆ 2127

In the Matter of the Application of

BYRON THOMAS

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#01-18.
-----X

WHEREAS, BYRON THOMAS, 530 Balmoral Circle, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 2 ft. rear and side yard variances for an existing above-ground pool, plus 18 ft. rear yard variance for an existing screened-in porch located on the above parcel in an R-4 zone; and

WHEREAS, a public hearing was held on the 25th day of June, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared with his wife for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, none of the spectators spoke in favor of or in opposition to this Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) Applicant seeks a variance for an existing above-ground pool, plus a rear yard variance for an existing screened-in porch on the premises

(c) Both structures have been in existence for 15 years during which time there have been no complaints, either formal or informal, about the shed.

(d) Neither the above-ground pool or porch create any water hazards, ponding or collection of water, nor are they constructed on top of, or interfere with any water or sewer easements.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

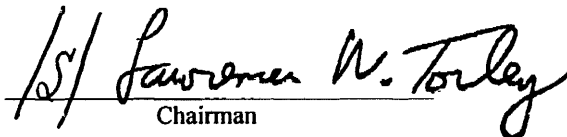
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 2 ft. rear and side yard variances for an existing above-ground pool, plus 18 ft. rear yard variance for an existing screened-in porch at the above location in an R-4 zone as sought by the Applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicants.

Dated: August 13, 2001.


Chairman

Date 7/7/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550
.....

| DATE | | | CLAIMED | ALLOWED |
|---------|--|-----------------------|---------|---------|
| 6/11/01 | | Zoning Board mty | 75 00 | |
| | | Misc. 2 | | |
| | | Bibles - 3 | | |
| | | DeFazio - 3 | | |
| | | Misrecki - 6 | | |
| | | Lawrence Lorenzen - 3 | | |
| | | Lorgan - 3 | | |
| | | Bittles - 4 | | |
| | | Thomas - 3 13.50. | | |
| | | Morris - 7 | | |
| | | Zupitza - 4 | | |
| | | 38 | 171 00 | |
| | | | 246 00 | |

THOMAS, BYRON

MR. TORLEY: Request for 2 foot rear and side yard variances for an existing above-ground pool plus 18 foot rear yard variance for existing screened-in porch at 530 Balmoral Circle in an R-4 zone.

Byron and Angela Thomas appeared before the board for this proposal.

MR. TORLEY: Is Mr. Thomas here?

MR. THOMAS: Right behind you. What is it you want from us?

MR. TORLEY: These are existing structures?

MR. THOMAS: Yes.

MR. McDONALD: The porch is existing; right?

MR. THOMAS: Yes, it is.

MR. McDONALD: How long has it been there?

MR. THOMAS: Ever since we bought the house and probably many years before.

MR. KANE: Is that the screened-in porch we're talking about?

MR. McDONALD: Yeah, screened-in porch.

MR. TORLEY: How old is your house?

MR. THOMAS: 1974.

MR. TORLEY: One of the things that occurs if your house very, not very old but if it was built before zoning and the porch was in there before the zoning codes, then it was grandfathered. If it was there when the zoning code was passed, it's still legal. But this is obviously not the case. Again, if it had been grandfathered in, the screened-in porch, you wouldn't have to worry about that. So I doubt that the above-ground pool --

MR. KANE: How long has the pool been up?

MRS. THOMAS: I think since '88 I think it was.

MR. TORLEY: I don't think we can say the above-ground pool was before zoning codes.

MR. REIS: Mr. and Mrs. Thomas, what brings you here? Do you have a complaint, or are you selling the house?

MRS. THOMAS: We're trying to refinance and we got caught by the bank.

MR. KANE: And, obviously, with the pool up that long it's a hardship to take that down and move it, because of the age of the pool it would not move too well?

MRS. THOMAS: Yes. That's why we bought the house, it came with the pool and the porch. And we're trying to refinance because we really don't have the money to do all this.

MR. KANE: The pool and the porch are similar, there are similar buildings like that on your neighbors properties? They have pools, they have enclosed porches or regular decks?

MRS. THOMAS: Yes.

MR. KANE: So it goes in with the standing of the neighborhood?

MR. REIS: And no complaints from neighbors of any kind?

MR. KANE: Informal or formally at all?

MR. THOMAS: No.

MR. TORLEY: The structures have been there long enough that you would not know of any drainage problems because whatever the drainage was was there when you bought the property?

MRS. THOMAS: Yes.

MR. TORLEY: If you're granted a public hearing, would you please bring in some photographs so we could see the layout of the site.

MR. KANE: These are the minimum requirements that you need.

MR. TORLEY: Again, make sure of your measurements so

you don't have to do this twice.

MR. KANE: Mr. Chairman, accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move that we set up Byron Thomas for a public hearing on his existing above-ground pool and his existing screened-in porch.

MR. McDONALD: Second.

ROLL CALL

| | |
|--------------|-----|
| MR. RIVERA | AYE |
| MR. McDONALD | AYE |
| MR. REIS | AYE |
| MR. KANE | AYE |
| MR. TORLEY | AYE |

MR. TORLEY: Again, talk to your neighbors about they're going to get the letters. Let them know what's going on.

Date 7/7/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

| DATE | | | CLAIMED | ALLOWED |
|---------|------------------------|-------------|---------|---------|
| 7/25/01 | 200mg Board Mtg | | 75 00 | |
| | Misc - 4 | | | |
| | Steiner - 1 | Misecki - 6 | | |
| | Maldonado - 2 | Lorgan - 2 | | |
| | Mucci - 2 | | | |
| | Bila - 3 | | | |
| | Picerno - 2 | | | |
| | Marshall - 7 | | | |
| | Hofving - 3 | | | |
| | Lawrence/Lorenzen - 11 | | | |
| | DeFazio - 2 | | | |
| | Thomas - 2 | | 220 50 | |
| | Morris - 2 | | 295 50 | |
| | <u>49</u> | | | |

THOMAS, BYRON

MR. TORLEY: Request for 2 ft. rear and side yard variances for an existing above-ground pool, plus 18 ft. rear yard variance for existing screened-in porch at 530 Balmoral Circle in an R-4 zone.

Mr. and Mrs. Byron Thomas appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter? Let the record show there is none, there's no one. What is it you wish to do?

MR. BYRON: Just like it says, two foot variance for the shed, I mean, for the porch and the variance and the pool which are both existing when we both bought the house they were both there and our records show that both structures have been there at least 15 years.

MS. CORSETTI: We sent out, on June 14, we sent out 68 notices to adjacent property owners and you didn't get anything back?

MR. BYRON: No.

MR. KANE: Mr. Thomas, to your knowledge, has there been any complaints formally or informally about the porch or the pool?

MR. THOMAS: No.

MR. KANE: Other homes in the area have not the same but similar porches and decks and pools?

MR. THOMAS: Absolutely, I couldn't think of one house that doesn't have the same thing.

MR. MC DONALD: Doesn't create any kind of a ponding, runoff or anything like that?

MR. THOMAS: No.

MR. KANE: You're sure of the measurements that you have two foot?

MR. THOMAS: Yes.

MR. TORLEY: There have been no complaints from any of your neighbors?

MR. THOMAS: No.

MR. TORLEY: You're not over any easements or anything like that?

MR. THOMAS: No.

MR. REIS: I make a motion that we approve Mr. Thomas' request for his variance at 530 Balmoral Circle.

MR. KANE: Second it.

ROLL CALL

| | |
|--------------|-----|
| MR. RIVERA | AYE |
| MR. MCDONALD | AYE |
| MR. REIS | AYE |
| MR. KANE | AYE |
| MR. TORLEY | AYE |

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

Relin.

*May 14, 2001
June 11, 2001*

Pg. 1 of 2

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 5/3/01

**APPLICANT: Byron Thomas
530 Balmoral Circle
New Windsor, NY 12553**

565-8231

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/2/01

FOR : Existing 16x17 screen porch

LOCATED AT: 530 Barmoral Circle

ZONE: R-4 Sec/ Blk/ Lot: 25-5-45

DESCRIPTION OF EXISTING SITE: One family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing enclosed porch (rear) has insufficient set-back at rear yard.

Louis J. Kuyheer
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 10-G

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 40ft

22ft

18ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and plumbing inspection. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

MAY 02 2001

FOR OFFICE USE ONLY:
Building Permit #: 2001-373

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises

BYRON + ANGELA THOMAS

X Address

530 BALMORAL CIRCLE

Phone # 565-8231

X Mailing Address

Same

Fax #

Name of Architect

Address

Phone

Name of Contractor

Address

Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 25 Block 5 Lot 45

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? NO!

EXISTING 16x17
Screen Porch

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

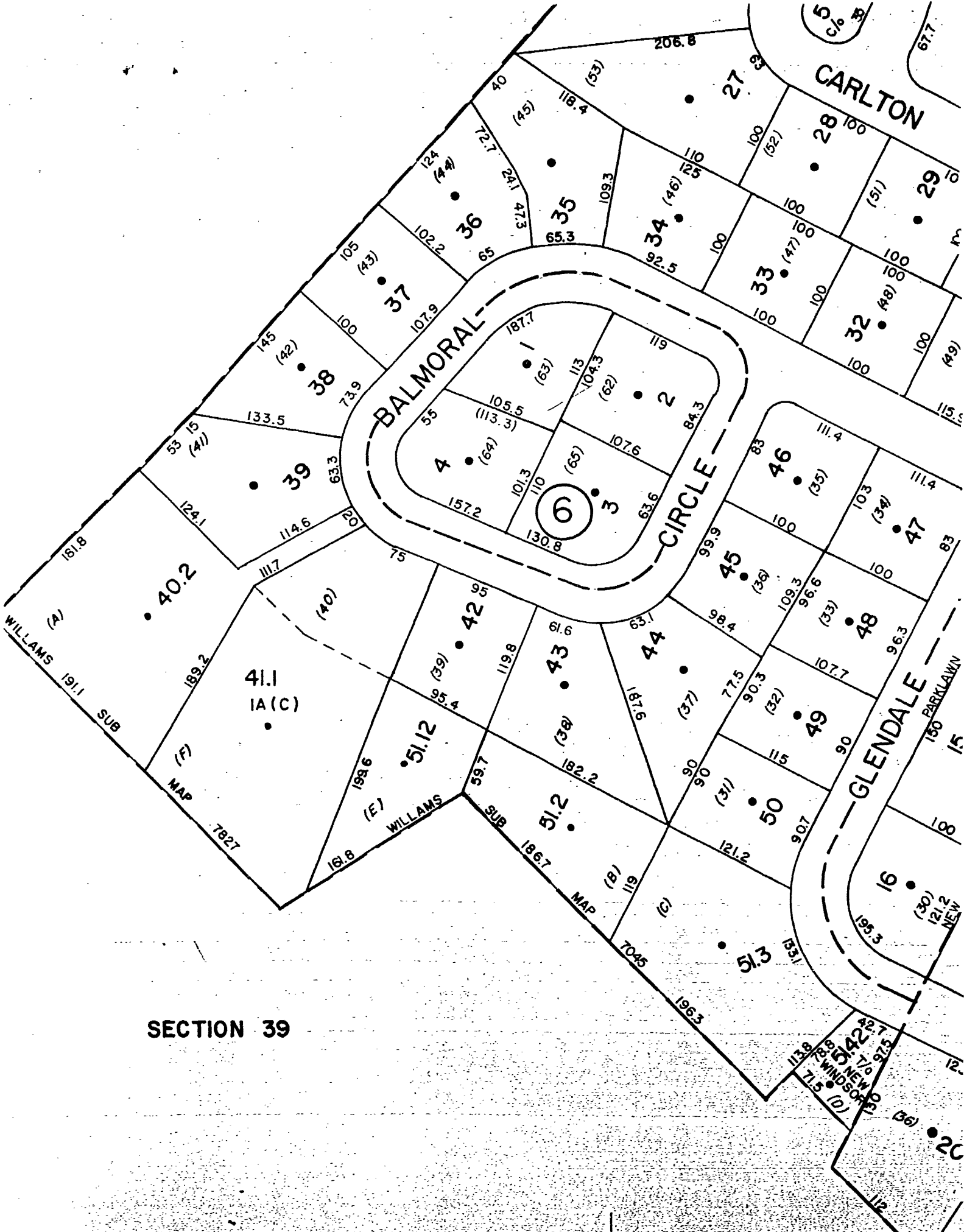
10. Estimated cost _____ Fee _____

\$ 50.00

PAID

CHT 2182
(paid) 50-

5/2/01



SECTION 39



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

May 11, 2001

(68)

Thomas Byron
530 Balmoral Circle
New Windsor, NY 12553

Re: 25-5-45

Dear Mr. Byron,

According to our records, the attached list of property owners are within five hundred (500) feet of the referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's Office .

Sincerely,


Leslie Cook
Sole Assessor

LC/bw

CC: Pat Corsetti, ZBA

24-5-4

Consolidated Rail Corp
6 Penn Center Plaza
Philadelphia, PA 19103

X

25-1-15

Ruth & Frank Iessi
48 Birchwood Drive
New Windsor, NY 12553

X

25-4-14

Arlene & Joseph Mathews
124 Glendale Drive
New Windsor, NY 12553

X

24-5-23

Edris & Stefan Lenart
242 Spruce Street
New Windsor, NY 12553

X

25-1-16

Clifton Parker
46 Birchwood Drive
New Windsor, NY 12553

X

25-4-15

Donna & Richard Hamel
126 Glendale Drive
New Windsor, NY 12553

X

24-5-24

Patricia Lang
223 Garden Street
New Windsor, NY 12553

X

25-1-17

Charlene Romaine
44 Birchwood Drive
New Windsor, NY 12553

X

25-4-16

Mitchell Kolpan
128 Glendale Drive
New Windsor, NY 12553

X

24-5-25

Joan Baca
225 Garden Street
New Windsor, NY 12553

X

25-1-18

Catherine & Edward Brodow
40 Birchwood Drive
New Windsor, NY 12553

X

25-5-20

Diane & Glenn Trapp
115 Glendale Drive
New Windsor, NY 12553

X

24-5-26

Christina & Robert Christie
227 Garden Street
New Windsor, NY 12553

X

25-1-19

Liliann & Dana Putnam
38 Birchwood Drive
New Windsor, NY 12553

X

25-5-21

Community Church of The Nazarene of
New Windsor
59 Blooming Grove Tpke
New Windsor, NY 12553

X

24-5-27

Joseph Chiarella & Gucciardo Chiarina
229 Garden Street
New Windsor, NY 12553

X

25-1-20

Margery & Orville Orts
36 Birchwood Drive
New Windsor, NY 12553

X

25-5-22

Ronnie & Robert Silver
404 Carlton Circle
New Windsor, NY 12553

X

24-5-28

Antoinette & George Wilkinon
231 Garden Street
New Windsor, NY 12553

X

25-4-10

Rose & Levio Young
116 Glendale Drive
New Windsor, NY 12553

X

25-5-23

Karen & Gary Coopersmith
406 Carlton Circle
New Windsor, NY 12553

X

25-1-12

Eleanor & Robert Spreer
54 Birchwood Drive
New Windsor, NY 12553

X

25-4-11

Diann & Frank Puccio
118 Glendale Drive
New Windsor, NY 12553

X

25-5-25

William Kreeger
410 Carlton Circle
New Windsor, NY 12553

X

25-1-13

Joan Souppa
52 Birchwood Drive
New Windsor, NY 12553

X

25-4-12

Estelle & Howard Brown
120 Glendale Drive
New Windsor, NY 12553

X

25-5-26

Mary & Joseph Hussey
411 Carlton Circle
New Windsor, NY 12553

X

25-1-14

Patricia & Edward Callahan
50 Birchwood Drive
New Windsor, NY 12553

X

25-4-13

Katherine & Stephen Costello
122 Glendale Drive
New Windsor, NY 12553

X

25-5-27

Patricia & Ernest Wagner
409 Carlton Circle
New Windsor, NY 12553

X

25-5-28
Eleanor & John Lech
407 Carlton Circle
New Windsor, NY 12553

25-5-29
Sandra & Richard Sollas
405 Carlton Circle
New Windsor, NY 12553

25-5-30
Manuel Chambers
403 Carlton Circle
New Windsor, NY 12553

25-5-31
Carol & Anthony Elias
502 Balmoral Circle
New Windsor, NY 12553

25-5-32
Ranee & John O'Connor
504 Balmoral Circle
New Windsor, NY 12553

25-5-33
Sergio Valentin
506 Balmoral Circle
New Windsor, NY 12553

25-5-35
Marcie & Val Gray
510 Balmoral Circle
New Windsor, NY 12553

25-5-34
Patrick Allison & Mary Constantino
508 Balmoral Circle
New Windsor, NY 12553

25-5-36
George Richardson
512 Balmoral Circle
New Windsor, NY 12553

25-5-37
Tricia Kent
514 Balmoral Circle
New Windsor, NY 12553

25-5-38
Pamela Lounsbury & Kathleen Willis
516 Balmoral Circle
New Windsor, NY 12553

25-5-39 25-5-40.2
Albertina & Louis Lopez
518 Balmoral Circle
New Windsor, NY 12553

25-5-41.1
Leda & Emil Sarich
522 Balmoral Circle
New Windsor, NY 12553

25-5-42
Orsen Lewis
524 Balmoral Circle
New Windsor, NY 12553

25-5-43; 25-5-51.2
Victor Valle
526 Balmoral Circle
New Windsor, NY 12553

25-5-44
Karen & Darren Bullock
528 Balmoral Circle
New Windsor, NY 12553

25-5-46
Louis Haines & Elizabeth Shewring
532 Balmoral Circle
New Windsor, NY 12553

25-5-47
JoEllen & Arnold Sabino
501 Balmoral Circle
New Windsor, NY 12553

25-5-48
Carmen & Jose Aldebot
125 Glendale Drive
New Windsor, NY 12553

25-5-49
Anastasia Howard & Jeffrey Stringer
127 Glendale Drive
New Windsor, NY 12553

25-5-50 ; 25-5-51.3
Kimberly & George Ciaschi
129 Glendale Drive
New Windsor, NY 12553

25-5-51.12; 39-1-19
Harold & Lillian Toffler
81 Harth Drive
New Windsor, NY 12553

25-5-51.42
Town of New Windsor
555 Union Ave
New Windsor, NY 12553

25-5-52
County of Orange
255-275 Main Street
Goshen, NY 10924

25-6-1
Patricia & Dennis Soricelli
511 Balmoral Circle
New Windsor, NY 12553

25-6-2
Ellen & Robert Doerr
507 Balmoral Circle
New Windsor, NY 12553

25-6-3
Linda & Frank Soricelli
525 Balmoral Circle
New Windsor, NY 12553

25-6-4
Tina Russak
517 Balmoral Circle
New Windsor, NY 12553

39-1-16
Michael Kirtio
75 Harth Drive
New Windsor, NY 12553

39-1-17
Elizabeth Raz
77 Harth Drive
New Windsor, NY 12553

39-1-18

Jennifer Hersh & Christopher O'Connell
79 Harth Drive
New Windsor, NY 12553

39-1-20

Ana & Robert Gotz
83 Harth Drive
New Windsor, NY 12553

39-1-21

Charles Botsford
85 Harth Drive
New Windsor, NY 12553

39-1-22

Rose & John Bambrick
27 Roe Ave
Cornwall-on-Hudson, NY 12520

39-1-23.1

Bernice & Herbert Gordon
89 Harth Drive
New Windsor, NY 12553

39-1-24

Susan & Mark Schotsch
34 Birchwood Drive
New Windsor, NY 12553

39-3-15

Lisa & Anthony Nester
28 Cresthaven Drive
New Windsor, NY 12553

39-3-16

Candace & Alfred Magliano Jr
29 Valewood Drive
New Windsor, NY 12553

-----X

**AFFIDAVIT OF
SERVICE
BY MAIL**

Byron Thomas
#01-18.

_____X

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That on the 14th day of June, 2001, I compared the 68 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia E. Corsetti
Notary Public

____ day of _____, 20____.

Notary Public

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

MARY KOESTERER

TO

BYRON U. THOMAS and ANGELA D. THOMAS

TRANSWORLD TITLE ABSTRACT CORP.

84 PLATTEKILL TURNPIKE
NEWBURGH, NY 12550

SECTION 25 BLOCK 5 LOT 45

94/209

94-1270

RECORD AND RETURN TO:

(Name and Address)

Marc Kerchman, Esq.
310 Fullerton Avenue
Newburgh, New York 12550

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. _____ DATE 12/12/94 AFFIDAVIT FILED _____ 19____

INSTRUMENT TYPE: DEED XX MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

BG20 Blooming Grove _____
CH22 Chesler _____
CO24 Cornwall _____
CR28 Crawford _____
DP28 Deepark _____
GO30 Goshen _____
GR32 Greenville _____
HA34 Hamptonburgh _____
HI38 Highlands _____
MK38 Minerva _____
ME40 Monroe _____
MY42 Montgomery _____
MH44 Mount Hope _____
NT46 Newburgh (T) _____
NW48 New Windsor XX _____
TU50 Tuxedo _____
WL52 Wallkill _____
WK54 Warwick _____
WA56 Wawayanda _____
WO58 Woodbury _____
MN09 Middletown _____
NC11 Newburgh _____
PJ13 Port Jervis _____
9999 Hold _____

SERIAL NO. _____

Mortgage Amount \$ _____

Exempt Yes _____ No _____

3-6 Cooking Units Yes _____ No _____

Received Tax on above Mortgage

Basic \$ _____

MTA \$ _____

Spec. Add. \$ _____

TOTAL \$ _____

JOAN A. MACCHI
Orange County Clerk

by: _____

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on DEC 23 1994
at 10:17 O'Clock A M.
In Liber/Film 4156 deed
at page 137 and examined.

County Clerk

CHECK ☒ CASH _____ CHARGE _____

MORTGAGE TAX \$ _____

TRANSFER TAX \$ 576-

ED. FUND \$ 5.00

RECORD. FEE \$ 8-

REPORT FORMS \$ 30-

CERT. COPIES \$ _____

Transworld Title

RECEIVED

\$ _____
REAL ESTATE

TRANSFER TAX
ORANGE COUNTY

LIBER 4156 PAGE 137

ORANGE COUNTY CLERK'S OFFICE S.S.
RECORDED/FILED 12/23/94 10:17:18 AM

FEES: 38.00 EDUCATION FUND 1.00

SERIAL NUMBER: 004013
DEED UNIT NO 64713 RE TAX 12/23/94

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 12th day of December 19 94 .

BETWEEN

MARY KOESTERER, presently residing at 528 Balmoral Circle,
New Windsor, Orange County, New York 12553

grantor

BYRON U. THOMAS and ANGELA D. THOMAS, husband and wife,
both presently residing at 1550 Unionport Road, Bronx, New York
10462

grantee

WITNESSETH, that the grantor, in consideration of

TEN AND 00/100-----\$10.00-----Dollars, paid by the grantee
hercby grants and releases unto the grantee, the heirs or successor and assigns of the grantee forever,

~~AND~~

528 Balmoral Circle
Town of New Windsor
Orange County, New York
(25 - 5 - 45)

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, being more particularly described as follows:

BEING KNOWN and designated as Lot No. 36 on a certain map entitled Parklawn, made by Eustance & Horowitz, P.E. & L.S. dated October 11, 1972 and last revised March 21, 1973 and filed int he Orange County Clerk's Office on May 22, 1973 as filed Map No. 2996.

Reserving to the party of the first part all rights, title and interest in and to any street and roads abutting the above-described premises, but granting an easement of ingress and egress until the same is dedecated as a public raod or street.

BEING the same premises conveyed from Michael F. LoFrumento and Margaret M. LoFrumento to James Higgins and Susan Higgins by deed dated August 24, 1983 and recorded September 2, 1983 in Liber 2261 of deeds at page 438 in the Orange County Clerk's Office.

ALSO BEING and intended to be the same premises as described in that certain deed dated the 24th day of November, 1986, running from James Higgins and Susan Higgins, husband and wife, to William Koesterer and Mary Koesterer, husband and wife, and thereafter recoreded in the Orange County Clerk's Office on the 26th day of November, 1986, in Liber 2613 of Deeds at Page 259. The said William Koesterer having died testate, a resident of Orange County, New York, on the 6th day of September, 1993.

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises. **TO HAVE AND TO HOLD** the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. **AND** the said grantor covenants that the grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever. This deed is subject to the trust provisions of Section 13 of the Lien Law.

The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires. **IN WITNESS WHEREOF**, the grantor has executed this deed the day and year first above written.

In presence of:

Mary Koesterer L. S.
Mary Koesterer
L. S.

STATE OF NEW YORK, COUNTY OF

ss.:

On the day of 19 , before
me personally came to me known,
who, being by me duly sworn, did depose and say that deponent resides
at No. of
deponent is the corporation described in and which

executed, the foregoing instrument; deponent knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; deponent signed deponent's name thereto by like order.

DANIEL J. BLOOM
Notary Public, State of New York
Residing in Orange County
Commission Expires Feb. 28, 1996

STATE OF NEW YORK, COUNTY OF ORANGE

ss.:

On the 12th day of December 19 94, before
me personally came

Mary Koesterer

to me known to be the individual described in, and who executed
the foregoing instrument, and acknowledged that she executed
the same.

Daniel Bloom
Notary Public

LIBER 4156 PAGE 122

Pls. publish immediately. Send bill to Applicant.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 18

Request of Byron Thomas

for a VARIANCE of the Zoning Local Law to Permit:

existing above-ground pool & screened porch of insufficient rear yard, plus insufficient side yard for pool;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs. - Cols. F & G.

for property situated as follows:

530 Balmoral Circle, New Windsor, N.Y.

known and designated as tax map Section 25, Blk. 5 Lot 45

PUBLIC HEARING will take place on the 25th day of June, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.

Date

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
108 N. Drury Lane DR.
Newburgh, N.Y. 12550

| DATE | | | CLAIMED | ALLOWED |
|---------|---------------------------------|--|---------|---------|
| 5/14/01 | Zoning Board Mtg | | 75 00 | |
| | Misc - | | | |
| | Zupitza - 3 | | | |
| | Byron - 1 | | | |
| | McCurry - 3 | | | |
| | Boffs - 3 | | | |
| | Waldo - 2 | | | |
| | Merced - 2 | | | |
| | Bila / Big V Centre - 8 | | 157 50 | |
| | Bila / K Mart - 5 | | | |
| | Bila / K Mart - 3 | | 232 50 | |
| | Gargiulo / Lyons - 3 // 35 Pgs. | | | |

May 14, 2001

6

THOMAS, BYRON

No show.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-18.

Date: 06/13/01.

I. ✓ Applicant Information:

- (a) Byron Thomas - 530 BALMORAL CIRCLE 565-8231
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

✓ III. Property Information:

- (a) R-4 530 BALMORAL CIRCLE 25-5-45 99.9 x 100' +
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A.
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO.
- (d) When was property purchased by present owner? 1991.
- (e) Has property been subdivided previously? _____.
- (f) Has property been subject of variance previously? NO YES.
If so, when? 1996.
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: _____

_____.

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

_____.

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. _____.

| <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|---|------------------------------|-------------------------|
| Min. Lot Area _____ | _____ | _____ |
| Min. Lot Width _____ | _____ | _____ |
| Reqd. Front Yd. _____ | _____ | _____ |
| Reqd. Side Yd. <u>10 ft.</u> | <u>8 ft.</u> | <u>2 ft. (Pool)</u> |
| Reqd. Rear Yd. <u>10 ft.</u> | <u>8 ft.</u> | <u>2 ft. (Pool)</u> |
| Reqd. Street <u>Frontage</u> <u>Yard</u> <u>40 ft.</u> | <u>22 ft.</u> | <u>18 ft. (Porch)</u> |
| Max. Bldg. Hgt. _____ | _____ | _____ |
| Min. Floor Area* _____ | _____ | _____ |
| Dev. Coverage* _____ % | _____ % | _____ % |
| Floor Area Ratio** _____ | _____ | _____ |
| Parking Area _____ | _____ | _____ |

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

The areas in question have existed for more than 15 years. We have stepped to right these conditions. These signs will benefit every family, and bring our home to code. We feel we should abide by the rules. We feel the rules should work us and all residents of New Windsor.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*.

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Regs.

| | Requirements | Proposed or Available | Variance Request |
|--------|--------------|-----------------------|------------------|
| Sign 1 | _____ | _____ | _____ |
| Sign | _____ | _____ | _____ |
| Sign 3 | _____ | _____ | _____ |
| Sign | _____ | _____ | _____ |
| | _____ | _____ | _____ |
| | _____ | _____ | _____ |

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

New fence is in place. Engineer has inspected items in question and found them to be structurally sound. Locks on gates, self closing gates are in place.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ *N/A* Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 6-8-01

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Byron Thomas
X *Byron Thomas*
(Applicant)

Sworn to before me this

7th day of June, 19 2001, *Anne C. McOteer*

XI. ZBA Action:

ANNE C. McOTEEER
NOTARY PUBLIC, State of New York
Reg. No. 01MCS026242
Appointed in Orange County
Commission Expires April 11, 2002

(a) Public Hearing date: _____

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 5/3/01

APPLICANT: Byron Thomas
530 Balmoral Circle
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/2/01

FOR : Existing 4ft above ground pool

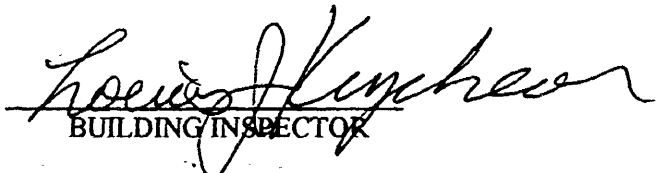
LOCATED AT: 530 Balmoral Circle

ZONE: R-4 Sec/ Blk/ Lot: 25-5-45

DESCRIPTION OF EXISTING SITE: One Family House

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing 4ft above ground pool has insufficient rear and side yard set-backs.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 48-21-G(1)

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 10ft

8ft

2ft

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 10ft

8ft

2ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN MINUTES TO PROCESS
IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

MAY 02 2001

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: 2001-372

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Byron + Angela Thomas

Address

530 Balmoral Circle

Phone #

5658231

Mailing Address

SAME

Fax #

Name of Architect

Address

Phone

Name of Contractor

Address

Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N,S,E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 25 Block 5 Lot 45

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? NO

Existing A.G.
Pool

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50.00

RECEIVED
CH# 2182
(paid)
50- 5/21

SECTION 39

